



**THE CONSEQUENCES OF THE BIDEN-HARRIS ADMINISTRATION'S
OPEN-BORDERS POLICIES: THE CASE OF THE ILLEGAL ALIEN WHO
BRUTALLY ASSAULTED A NEW YORK WOMAN**

Interim Staff Report of the

Committee on the Judiciary
and
Subcommittee on Immigration Integrity, Security, and Enforcement

U.S. House of Representatives



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EXECUTIVE SUMMARY

In less than four years, the Biden-Harris Administration has released into the United States more than 5.6 million illegal aliens,¹ with another 1.9 million illegal alien “gotaways” escaping into the country during the same time.² That chaos at the southwest border, created and incentivized by the radical policies of President Joe Biden and “border czar” Vice President Kamala Harris, has led to insecurity in the interior of the country. Too many of the illegal aliens allowed into the country by the Biden-Harris Administration commit crimes against Americans and other U.S. residents. While the Administration misleadingly claims that illegal aliens are fully screened for criminality at the border,³ former U.S. Border Patrol Chief Rodney Scott has admitted that the “vetting” process is the equivalent of checking aliens “against a blank sheet of paper.”⁴

Every community in the country suffers from the consequences of the Biden-Harris border crisis and the Biden-Harris Administration’s lack of immigration enforcement. With illegal aliens released by the Biden-Harris Administration committing crimes across the country, every American community has become a border community. In a recent transcribed interview before the Committee, one senior Immigration and Customs Enforcement (ICE) official admitted that instead of arresting illegal aliens who pose public safety threats and national security threats at the border, some ICE officers have been reassigned to tasks that facilitate illegal alien releases into the United States.⁵

The Biden-Harris Administration’s radical policies ensure that criminal illegal aliens can remain in the United States indefinitely, even after they have committed a crime. As the Committee documented in an April 2024 report, ICE has instructed its officers to first consider irrelevant factors such as an illegal alien’s high blood pressure, diabetes, caregiver status, and other “mitigating factors” before ever arresting a criminal alien.⁶ Consequently, the Biden-Harris

¹ Information provided to the H. Comm. on the Judiciary by U.S. Dep’t of Homeland Sec., Table 1: Detention Histories of CBP Encounters, January 20, 2021 – March 31, 2024 (Aug. 16, 2024); U.S. Customs and Border Prot., *Custody and Transfer Statistics FY 2024*, U.S. DEP’T OF HOMELAND SEC. (last accessed Aug. 19, 2024); Camilo Montoya-Galvez, *Biden administration has admitted more than 1 million migrants into U.S. under parole policy Congress is considering restricting*, CBS NEWS (Jan. 22, 2024); *Latest UC Data, Total Monthly Discharges to Individual Sponsors Only*, U.S. DEP’T OF HEALTH AND HUMAN SERVS. (last accessed Mar. 22, 2024); Off. of Refugee Resettlement, *Unaccompanied Children Released to Sponsors by State*, U.S. DEP’T OF HEALTH AND HUMAN SERVS. (last accessed Aug. 19, 2024); U.S. Customs and Border Prot., *CBP Releases July 2024 Monthly Update*, U.S. DEP’T OF HOMELAND SEC. (Aug. 16, 2024); Immigr. and Customs Enf’t, *Daily SWB Placemat*, U.S. DEP’T OF HOMELAND SEC. (May–July 2024) (on file with Comm.); Off. of Homeland Sec. Statistics, *Immigr. Enf’t and Legal Processes Monthly Tables – Apr. 2024*, U.S. DEP’T OF HOMELAND SEC. (last accessed Aug. 19, 2024).

² Casey Harper, *Border crisis creates national security threat for U.S., observers say*, WASH. EXAMINER (Aug. 7, 2023); Bill Melugin (@BillMelugin_), X (June 20, 2024, 10:22 AM).

³ *Oversight of the Dep’t of Homeland Security: Hearing Before the H. Comm. on the Judiciary*, 118th Cong. (2023) (statement of Alejandro Mayorkas, Sec’y, U.S. Dep’t of Homeland Sec.).

⁴ *The Biden Border Crisis: Part III: Hearing Before the Subcomm. on Immigr. Integrity, Security, and Enf’t, of the H. Comm. on the Judiciary*, 118th Cong. 62 (2023) (statement of Rodney Scott).

⁵ See H. Comm. on the Judiciary, Interim Staff Rep., *Chauffeur at the Border, Concierge in the Interior: How the Biden Admin. Rewards Illegal Aliens on the Taxpayers’ Dime*, at 7-8 (July 3, 2024) [hereinafter July Interim Staff Rep.].

⁶ See H. Comm. on the Judiciary, Interim Staff Rep., *How the Biden Admin.’s Lax Immigr. Enf’t Allows Dangerous Criminal Aliens to Run Free in American Communities*, at 10-13 (Apr. 16, 2024).

Administration is removing from the country far fewer criminal aliens than the Trump Administration. For example, “in fiscal year 2023, ICE removed 41 percent fewer aliens with criminal convictions and criminal charges than in fiscal year 2020—and nearly 60 percent fewer than in fiscal year 2019.”⁷ As a result, the number of criminal aliens free in the United States totaled more than 617,000 by December 2023—and is likely growing daily because of the border crisis.⁸

Since February 2023, the Committee on the Judiciary has requested information, including alien files (A-files)—DHS records that contain immigration case history about individual aliens—relating to illegal aliens who have committed serious and violent crimes in the United States during the Biden-Harris Administration. In some cases, due to the Administration’s refusal to disclose information about these criminal illegal aliens, the Committee has been forced to issue subpoenas. To date, DHS has provided the Committee with A-files relating to roughly 30 criminal aliens.

The information obtained by the Committee shows in stark terms the real-world consequences of the Biden-Harris Administration’s failure to secure the border and enforce immigration law. Taken as a whole, the Committee’s investigation into the criminal illegal aliens the Biden-Harris Administration has allowed to enter the United States exposes the widespread failure to adequately vet, apprehend, detain, and remove illegal aliens. In some cases, the illegal aliens had committed crimes in their home countries but were nevertheless released from DHS custody. In other cases, the illegal aliens had criminal records or were gang members and were still released into the United States. In all cases, the illegal aliens went on to commit crimes in American communities ranging from murder and robbery to brutal assault.

In 2017, then-Senator Kamala Harris asserted that “an undocumented immigrant is not a criminal”⁹ and mocked any plans to remove illegal aliens from the United States.¹⁰ Contrary to the border czar’s claims, many of the illegal aliens allowed to enter the United States under Vice President Harris’s watch are criminals who victimized Americans and terrorized U.S. communities. This interim staff report focuses on the case of just one criminal illegal alien, Kindu Jeancy Zamambu, and highlights how the open-borders policies of the Biden-Harris Administration ensured his release into the United States. According to new, nonpublic information uncovered by the Committee, the Biden-Harris Administration released Zamambu, an illegal alien from the Democratic Republic of the Congo, into the United States in February 2023.¹¹ Less than six months later, he was arrested for brutally assaulting a woman in New York.¹²

⁷ See H. Comm. on the Judiciary, Interim Staff Rep., New Data Reveal Worsening Magnitude of the Biden Border Crisis and Lack of Interior Immigr. Enf’t, at 9 (Jan. 18, 2024).

⁸ *Id.* at 9.

⁹ Kamala Harris (@KamalaHarris), X (Apr. 21, 2017, 7:38 PM), <https://x.com/KamalaHarris/status/855566507526565888>.

¹⁰ Kamala Harris (@KamalaHarris), X (Apr. 21, 2017, 7:39 PM), <https://x.com/KamalaHarris/status/855566707729027072>.

¹¹ See *infra* notes 26-31.

¹² See *infra* notes 19.

For more than three-and-a-half years, President Joe Biden and “border czar” Vice President Kamala Harris have orchestrated the largest mass release of illegal aliens into the country in American history. Well over 7 million illegal aliens are now in the United States because of the Biden-Harris Administration’s radical immigration policies.¹³ The results are all too predictable: cities overwhelmed, public services crushed, and communities shattered by the criminality of some illegal aliens.

Although the Biden-Harris Administration claims that illegal aliens are vetted before being released into the United States, the reality is much more disturbing. As one federal district court judge has observed, the checks that DHS currently performs on illegal aliens encountered at the southwest border should concern every American. As Judge Wetherell explained in 2023:

Although DHS says it is screening arriving aliens . . . to determine if they are a public safety threat, the more persuasive evidence establishes that DHS cannot reliably make that determination. Indeed, according to [the Administration’s] own witnesses, DHS has no way to determine if an alien has a criminal history in his home country unless that country reports the information to the U.S. government or the alien self-reports. Therefore, DHS is mainly only screening aliens at the border to determine if they have previously committed a crime in the United States, and because many of these aliens are coming to the United States for the first time, DHS has no idea whether they have criminal histories or not.¹⁴

Indeed, the biometric and biographic data of illegal aliens, including that of the millions of illegal aliens who have entered the U.S. during the Biden-Harris Administration, are only vetted against U.S. criminal databases, such as the National Crime Information Center (NCIC), and against INTERPOL information.¹⁵ Immigration authorities do not vet illegal aliens against databases in the aliens’ countries of origin.¹⁶ As a result, if there is derogatory information about an alien in that alien’s home country, the current checks are unlikely to reveal it. As former Border Patrol Chief Rodney Scott testified to the Subcommittee on Immigration Integrity, Security, and Enforcement in 2023, the U.S. government has “very, very minuscule data” available when an alien arrives at the southwest border because “[c]rimes committed by a foreign national outside the U.S. rarely appear in [U.S.] databases.”¹⁷

The consequences are dire, with illegal aliens committing crimes against Americans at an alarming rate. Since the beginning of the 118th Congress, Chairman Jim Jordan and

¹³ See *supra* notes 1-2.

¹⁴ *Florida v. United States*, 660 F.Supp.3d 1239, 1259 (N.D. Fla. 2023).

¹⁵ *The Biden Border Crisis: Part III: Hearing Before the Subcomm. on Immigr. Integrity, Security, and Enf’t, of the H. Comm. on the Judiciary*, 118th Cong. 62 (2023) (statement of Rodney Scott).

¹⁶ *Id.*

¹⁷ *Terrorist Entry Through the Sw. Border: Hearing Before the Subcomm. on Immigr. Integrity, Security, and Enf’t, of the H. Comm. on the Judiciary*, 118th Cong. 45 (2023) (statement of Rodney Scott).

Subcommittee Chairman Tom McClintock have requested files and information related to dozens of illegal aliens who have committed violent and serious crimes during the Biden-Harris Administration. This report focuses on just one of the millions of illegal aliens released by the Biden-Harris Administration: Kindu Jeancy Zamambu.

Illegal Alien Kindu Jeancy Zamambu Brutally Assaulted a New York Woman.

According to press reports, in August 2023 Kindu Jeancy Zamambu, an illegal alien, “was charged with felony first-degree sexual abuse and misdemeanor unlawful imprisonment”¹⁸ for assaulting a woman at a hotel in Cheektowaga, New York.¹⁹ Based on these reports, on September 14, 2023, Chairman Jim Jordan and Subcommittee on Immigration Integrity, Security, and Enforcement Chairman Tom McClintock launched an investigation into Zamambu and his release into the United States.²⁰ Specifically, the Committee wrote to the Department of Homeland Security requesting all case history information for the alien, including his alien file (A-file).²¹

After months of DHS failing to provide the requested information about Zamambu, on December 8, 2023, Chairman Jordan subpoenaed DHS Secretary Alejandro Mayorkas for Zamambu’s A-file.²² Pursuant to the Committee’s subpoena, on January 8, 2024, DHS produced the file to the Committee.²³

The Biden-Harris Administration Released Illegal Alien Kindu Jeancy Zamambu into the United States in 2023.

Zamambu, a 23-year-old national of the Democratic Republic of the Congo,²⁴ entered the United States in California on February 13, 2023.²⁵ Border Patrol agents arrested Zamambu “approximately one mile west of the San Ysidro[, California,] Port of Entry and approximately one mile north” of the U.S.-Mexico border.²⁶ According to his A-file, Border Patrol found “[n]o wants or warrants” for Zamambu.²⁷ In fact, for Zamambu’s criminal history, DHS officials wrote in Zamambu’s file, “None Known.”²⁸ Less than one day after his arrest, DHS determined

¹⁸ Danielle Wallace, *Second migrant part of Adams’ resettlement program charged with sexually assaulting woman*, FOX NEWS (Aug. 13, 2023, 12:47 AM), <https://www.foxnews.com/us/national-guard-sent-western-new-york-2nd-migrant-moved-adams-program-charged-sex-crime>.

¹⁹ Aidan Joly, *Asylum seeker arraigned on sexual abuse, unlawful imprisonment charges*, WIVB 4 (Sept. 13, 2023, 4:33 PM), <https://www.wivb.com/news/crime/asylum-seeker-arraigned-on-sexual-abuse-unlawful-imprisonment-charges/>.

²⁰ Letter from Jim Jordan, Chairman, H. Comm. on the Judiciary, to Alejandro Mayorkas, Sec’y, U.S. Dep’t of Homeland Sec. (Sept. 14, 2023) (on file with Comm.).

²¹ *Id.*

²² Letter from Jim Jordan, Chairman, H. Comm. on the Judiciary, to Alejandro Mayorkas, Sec’y, U.S. Dep’t of Homeland Sec. (Dec. 8, 2023).

²³ Letter from Alejandro Mayorkas, Sec’y, U.S. Dep’t of Homeland Sec. to Jim Jordan et al., Chairman, H. Comm. on the Judiciary (Jan. 8, 2024).

²⁴ Alien File of Kindu Jeancy Zamambu at 11, 21, provided to H. Comm. on the Judiciary Staff by U.S. Dep’t of Homeland Sec. (on file with Comm.) [hereinafter Jeancy A-File].

²⁵ *Id.* at 4, 11.

²⁶ *Id.* at 27.

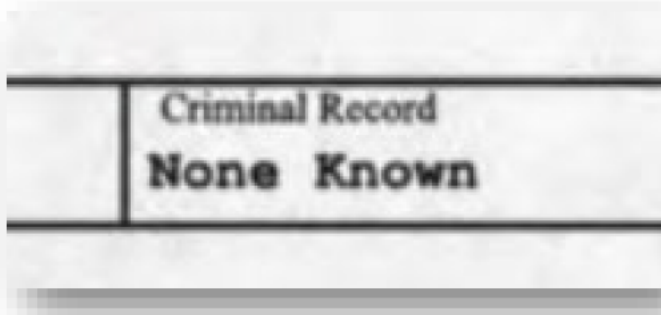
²⁷ *Id.* at 28.

²⁸ *Id.* at 54.

Zamambu should be released²⁹ and then referred him to Immigration and Customs Enforcement (ICE) “for enrollment in the Alternat[ives] to Detention program.”³⁰ On February 15, 2023, ICE enrolled Zamambu in Alternatives to Detention (ATD) and released him into the United States, warning:³¹

Your release is contingent upon your enrollment and successful participation in an Alternatives to Detention (ATD) program as designated by the U.S. Department of Homeland Security. As part of the ATD program, you will be subject to electronic monitoring and may be subject to a curfew. Failure to comply with the requirements of the ATD program will result in a redetermination of you[r] release conditions or your arrest and detention.³²

Upon his release on February 15, 2023, Zamambu was ordered to report to ICE’s Buffalo Field Office on March 7, 2023.³³ As part of Zamambu’s release conditions, ICE instructed him



*Above: Zamambu’s initial criminal records check revealed no **known** criminal history.*

not to “commit any crimes” or “associate with known gang members, criminal associates, or be associated with any such activity.”³⁴

A Notice to Appear in immigration court recorded Zamambu’s address in Buffalo, New York, and listed his first immigration court appearance scheduled for July 31, 2023, at 1 p.m. at the Buffalo immigration court.³⁵ The A-file does not make clear whether Zamambu ever attended his initial immigration court hearing.

Less than six months after the Biden-

Harris Administration released Zamambu into the United States, he allegedly “forc[ed] a victim into sexual contact at a hotel in Cheektowaga,” New York, on August 11, 2023.³⁶

²⁹ *Id.* at 5, 37.

³⁰ *Id.* at 28.

³¹ *Id.* at 57.

³² *Id.*

³³ *Id.* at 60.

³⁴ *Id.* at 62.

³⁵ Jeancy A-File, *supra* note 24, at 11.

³⁶ Joly, *supra* note 19.

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement
ATD ENROLLMENT - NOTICE TO ALIEN

Name: ZAMAMBU, KINDU	Field Office: SAN DIEGO, CA, DOCKET CONTROL OFFICE	A Number: [REDACTED]
<p>Your release is contingent upon your enrollment and successful participation in an Alternatives to Detention (ATD) program as designated by the U. S. Department of Homeland Security. As part of the ATD program, you will be subject to electronic monitoring and may be subject to a curfew. Failure to comply with the requirements of the ATD program will result in a redetermination of you release conditions or your arrest and detention.</p> <p>If fitted with a U.S. Immigration and Customs Enforcement GPS monitoring device do not tamper with or remove the device. Under federal law, it is a crime to willfully damage or attempt to damage property of the United States. The unauthorized removal of the GPS monitoring device will result in damage to property of the United States. Damaging or attempting to damage the GPS monitoring device or any of its associated equipment (including, but not limited to, the charging station, batteries, and power cords) may result in your arrest, detention and prosecution under 18 U.S.C. § 1361 and/or 18 U.S.C. § 641, each punishable by a fine, up to ten year's imprisonment, or both.</p>		
RECORD OF SERVICE		
Served On: (Alien's Signature) [REDACTED]	Date: Feb 15, 2023	

Above: A document in Zamambu's alien file describes the conditions of his release on Alternatives to Detention (ATD).

Just last month, the Committee revealed how a senior ICE official admitted that DHS lacks the ability to truly judge the effectiveness of ATD.³⁷ Zamambu's case makes it clear: ATD fails to protect Americans from illegal aliens who should have been detained from the moment they arrived at the southwest border.

CONCLUSION

The disastrous immigration policies of the Biden-Harris Administration have had real-world consequences for American citizens. The effects of those policies will be felt for years to come, with criminal aliens in American neighborhoods harming families and hurting public safety across the country. Zamambu's victim will never be the same because the Biden-Harris

³⁷ See July Interim Staff Rep., *supra* note 5, at 10-11.

Administration allowed the illegal alien to enter the country. Tragically, Zamambu's victim is not alone.

For 15 months, President Biden, Vice President Harris, and Senate Democrats have failed to consider the House-passed H.R. 2, the Secure the Border Act of 2023, despite rapidly deteriorating conditions both at the border and in the interior. To secure America, the Senate must pass, and President Biden must sign into law, H.R. 2. In the meantime, the Committee and Subcommittee will continue to conduct vigorous oversight to inform legislative reforms to address President Biden and Vice President Harris's dangerous immigration policies.